

Hiring Foreign National Professionals

by Leonard Kargacin

Laboratories can hire foreign nationals as technologists in their facilities under two separate visa programs: the Temporary National (TN) visa under the North American Free Trade Agreement (NAFTA) and the H-1B visa. The TN visa is discussed in the article below. The H-1B visa is discussed in a separate article found on page 3. Various laboratory managers throughout Washington that have experience in hiring foreign nationals to staff their vacant technologist positions provided the information for both articles. They recommend that you check with your HR department to see if there is a recruiter on staff that has experience with the TN and H-1B visa processes, or to obtain assistance from your facility's attorney. It may be advisable to solicit the assistance of an immigration attorney to streamline the process.

Canada and Mexico are covered under the North American Free Trade Agreement (NAFTA) of 1992, which allows for individuals having certain qualifications to freely work in the United States. Among those individuals specifically named are medical technologists. The basic qualifications are a four-year baccalaureate degree in medical technology, or two years post-secondary education plus three years experience, and appropriate certification as a medical technologist (CLS/MT). Under NAFTA, a qualifying medical technologist must be a citizen of either Canada or Mexico. They can receive a TN visa instead of undergoing the lengthy H-1B process. The requirements are similar, except the number of TN visas issued is not limited, and there is no waiting

period if the person is approved at the border. Since the TN visa will only be approved for one year, it does require annual renewal or a change in status notification.

A Washington hospital recently had two potential hires that illustrate the TN visa process. Case #1 was a technologist who had a three-year baccalaureate degree from India in the physical sciences plus three years in a medical technology program at Dawson College in Montreal. Logic would dictate that this individual has similar schooling to a technologist out of the University of Washington program, and that was confirmed by examining her transcripts. However, she was denied equivalency because she had no fourth year undergraduate course work. From the hospital's perspective, examination of her documentation and school, no substantial difference could be found between her laboratory training and that of the typical U.S. program except that there were no 400-level course numbers.

Case #2 had all the right stuff, including a four-year baccalaureate degree in medical technology deemed by

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Practice Guidelines

The following practice guidelines have been developed by the Clinical Laboratory Advisory Council. They can be accessed at the following website:
www.doh.wa.gov/lqa.htm

Anemia	Lipid Screening
ANA	Point-of-Care Testing
Bioterrorism Event Mgmt	PSA
Bleeding Disorders	Renal Disease
Chlamydia	STD
Diabetes	Thyroid
Group A Strep Pharyngitis	Tuberculosis
Hepatitis	Urinalysis
HIV	Wellness
Intestinal Parasites	

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World Education Services, Inc., to be equivalent to the same degree in the U.S., and CLS/MT certifications in three countries. She also had 10 years of experience, though none of it in Canada where she was unable to find employment as a technologist.

Despite the best efforts of the hospital's immigration attorney, there was no convincing the INS office at the Peace Arch Port of Entry in Blaine, Washington to issue the TN visa for case #1. What did not fit easily into their equation did not get a visa. Case #2 had no problems once the hospital figured out the right combination of documentation.

To assure a visa under NAFTA, the petitioner must present the documentation at a Port of Entry to the United States and pay the fee listed below. They may not accept faxed copies so it is best to check with the specific Port of Entry as to what they will be need. Gemeally, items needed are:

- A job offer from an employer should be in the form of a letter. The letter must clearly outline the duties and responsibilities of the position. Salary and a finite period of employment must also be stated. (For a TN visa, the period will be a year, at which time an extension or change in status will be required.)

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Secretary, DOH: Mary Selecky
Health Officer: Maxine Hayes, MD, MPH
Director, PHL: Romesh Gautam, PhD
Program Manager, LQA: Gail Neuenschwander
Editor: Leonard Kargacin (206) 361-2804
Circulation: Leonard Kargacin (206) 361-2804

Comments, letters to the editor, information for publication, and requests for subscription can be directed to:

"ELABORATIONS"
Washington State Public Health Labs
1610 NE 150th Street
Shoreline, WA 98155

e-mail address: leonard.kargacin@doh.wa.gov

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Website addresses:

DOH home page: <http://www.doh.wa.gov>
LQA home page: <http://www.doh.wa.gov/lqa.htm>
PHL home page:
<http://www.doh.wa.gov/EHSPHL/PHL/default.htm>

Requirements of the position must also be clearly stated. (The hospital included the position description, which was rejected in favor of a job summary on stationery, signed by the "hiring officer.")

- A resume from the applicant that is supported by letters of reference from former employers.
- Evidence of the applicant's qualifications for a medical technologist must be a baccalaureate degree and recognized certification. The bachelor's degree may be replaced with two years post-secondary education resulting in a diploma, and three years experience in the profession. Copies of these documents are accepted. Degrees issued by non-NAFTA countries must be accompanied by a credential evaluation and translation.
- Proof of Canadian or Mexican citizenship. If spouse and/or children are entering, marriage and long-form birth certificates listing parents will be required.
- Currently, the fee is \$50 for the TN, and \$6 for each entry document.
- The applicant must apply for a Social Security number immediately after obtaining a TN visa.

Persons hired under the TN visa program must renew their visa annually and pay a fee. The TN visa can be extended each year the applicant can show work available from the company that employs them, but there is no guarantee. The extent of the documentation required for the extension depended on who was working at the border that day. For three years, all that was required was a letter from the laboratory manager on hospital letterhead confirming that the person was indeed still employed at the hospital, and that they were needed to work there for the next year. However, this year, the agent at the border denied the visa renewal for want of all of the supporting documentation discussed above. The technologist returned to the border with the required documentation and the visa was renewed without comment. Therefore, it is recommended that all the documentation required always be provided to streamline the process.

Hiring Foreign National Professionals: H-1B Visa

The classification of H-1B Temporary Worker in a “Specialty Occupation” is available to any employer in the United States in order to hire foreign professionals for a temporary assignment. Foreign nationals are eligible for H-1B classification if they qualify as members of a professional occupation. This includes physicians, engineers, teachers, lawyers, nurses, scientists, and any other occupation for which attainment of at least a bachelor’s degree in a specific course of study is the usual minimum requirement for an entry-level position in the occupation. To qualify, an individual must show that he has the requisite four-year U.S. college degree or its equivalent. In addition, the foreign national must have satisfied any U.S. state licensure requirements of his particular profession before being eligible for H-1B classification.

Not only must the H-1B foreign national satisfy the foregoing criteria but, the position in which he intends to work in the United States must also require the employment of a person having such professional qualifications. In addition, the employer’s intent must be to hire the foreign national for only a temporary period.

The H-1B nonimmigrant can be admitted typically for an initial period of three years, with extensions available up to a maximum consecutive stay of six years.

To obtain H-1B classification, the U.S. employer first must submit a Form I-129 nonimmigrant visa petition to the INS for its decision regarding the foreign national’s eligibility for H-1B classification, followed by the individual’s applying to an American embassy or consulate abroad for issuance of an H-1B visa with which he may seek entry into the United States. (This same procedure applies to the H-2 and H-3 categories as well.)

Since passage of Immigration Act of 1990, H-1B specialty occupation visa holders no longer must demonstrate they have a foreign residence which they do not intend to abandon during their temporary stay in the United States. H-1B workers now need merely to express the generalized intent to return home after the conclusion of their temporary U.S. work assignment.

The H-1B process is not simple. But, with planning and care, the process can be smooth and problem free. It is recommended that facilities interested in hiring a foreign national to fill a vacant position obtain assistance from their facility’s attorney. It may be advisable to solicit the assistance of an immigration attorney to streamline the process.

Hiring Foreign National Professionals

H-1B visa program information:

United States Department of State:

<http://www.state.gov/>

<http://travel.state.gov/visa/tempwkr.html>

Bureau of Citizenship and Immigration Services: <http://www.immigration.gov>

TN VISA information: http://travel.state.gov/tn_visas.html

Other helpful websites:

<http://www.careerbuilder.com/>

<http://www.medscouts.com/>

<http://www.monster.com/>

<http://www.healthcareerscanada.com/>

Legislative Health Care Workforce Shortage Task Force Report

The report from the Health Care Workforce Shortage Task Force detailing recommendations to the Washington State Legislature for alleviating the health care worker shortage in Washington is now complete. You can view the full report at www.wtb.wa.gov/HEALTHCARETASKFORCE.HTM.

The Task Force's report acts as a plan of action for what communities can do to address the shortage and what support is needed from the legislature. Because the Task Force's recommendations are formed by so many diverse perspectives and experiences, we know they can have a powerful impact on our state's quality of health care and economy.

Important strategies in the report include:

- * Establish partnerships in which hospitals pay employees to serve as part-time faculty at colleges and universities
- * Increase the number of health science programs in high schools, and the number of high school programs leading to industry certification and employment
- * Support local partnerships between industry, labor, and education to address shortages at the local level
- * Reconvene the Task Force twice yearly to oversee recommendations, measure successes, and hold responsible entities accountable.

Genetic Screening Pocket Facts

The March of Dimes has produced a quick-reference 8-panel laminated card that provides up-to-date information on genetic screening. It covers carrier screening for cystic fibrosis, sickle cell anemia, thalassemia, fragile X, and disorders more common in the European Jewish population. The reference card describes ethnic-specific carrier screening, disease incidences, carrier frequencies, and testing information such as type of analysis, accuracy of testing and approximate detection rates.

If you would like to have a copy of the genetic screening reference card, contact the Genetic Services Office of the Department of Health at (253) 395-6742, or email Debra Lochner Doyle at debra.lochnerdoyle@doh.wa.gov.

Educational Materials Available

The Office of Laboratory Quality Assurance (LQA) currently has the following educational materials available (upon request or online):

- Biannual Verification of Accuracy Suggestions
- Good Laboratory Practices with Waived Test Systems
- Medical Test Site Survey Checklist (All Specialties)
- On-Site Survey Process Description
- Personnel Qualifications and Responsibilities
- Pre-Inspection Self-Assessment Checklists
 - Aerobic cultures
 - Gram stains
 - Moderate complexity testing kits
 - Microscopic examinations
 - Testing in dermatology practices
 - Moderate complexity chemistry testing
 - Moderate complexity hematology testing
- Proficiency Testing or Biannual Verification of Accuracy
- Quality Assurance Plan Development

These documents can be obtained from the LQA office at (206) 361-2802 or be downloaded from the LQA website: <http://www.doh.wa.gov/lqa.htm>

Under the sidebar "MTS Surveys", select "Survey Process"

Training Program Courses March through July 2003

Here are the short descriptions of the training courses coming up this spring. Included at the bottom of this page is a registration form for your convenience. If you need more information or would like to register for classes please refer to the contact information below.

Basic Parasitology Part III: Reading Trichromes

April. 9 & 10, 2003

Upon completion of this two-day wet laboratory course, participants will gain confidence in the protozoan identification by trichrome examination.

Advanced Hematology

April 30, 2003

The lecture and laboratory sections of this one-day course will cover the following subjects:

- Selected cases involving WBC's, RBC's and/or platelet pathology.
- Examination of red and white cell morphology using Kodachrome slides.
- Examination of actual case slides.
- Lab challenges- Examination of unknown specimens to test your abilities.

Urine Sediments

May 14 or 15, 2003

These one-day classes emphasize recognizing urine sediments. Participants will perform actual microscopic examination of urine sediments and review reference slides. Also included in the course will be pertinent lectures regarding quality assurance, quality control, correlation of results, collection of adequate specimens, and basic kidney physiology.

Continuing Education Units:

Students will receive CEUs for completion of each part in this series. Accreditation is provided through the State of California Department of Health Services, Office of Laboratory Field Services, 2151 Berkley Way- Annex 12, Berkley, California 94704-1011.

Class Time: Registration will begin at 8:00 a.m. on first day of the course and the session will begin at 8:15 a.m.

Contact Information: Further information about courses may be obtained by contacting the Training Program Assistant at email: PHL.Training@doh.wa.gov Phone: (206) 361-2820, FAX : (206) 361-2904.

Registration Form

Name: _____ Class: _____ Class Date: _____

Organization: _____ Day Phone: _____

FAX: _____ E-mail: _____

Work Address: _____ City: _____ State: _____ Zip: _____

HOW TO REGISTER: Complete the registration form and return to the Department of Health, PHL Training Program **1610 NE 150th Street * PO Box 550501*Shoreline, WA 98155-9701** or FAX to: **(206) 361-2904**. A confirmation packet will be sent to you by mail. Please **DO NOT** send money with your registration form.

Registration Deadline: 1 week prior to course date

Waived Testing Helpful Hints

In the last issue, we discussed Good Laboratory Practice (GLP) #5: Follow the procedure exactly. Here is GLP #6: Run controls often.

- ✓ Follow the manufacturer's instructions for testing controls.
- ✓ External controls check the performance of the test kit reagents, equipment, and testing person.
- ✓ The instructions for running external controls are found under "Quality Control" in product insert.
- ✓ Words such as must, shall, and require are regulatory terms. You are required to follow those instructions.
- ✓ Some test kits will include controls; some do not but will inform you about how to order controls separately.

NOTE: Check this spot in future editions of *Elaborations* for more helpful hints with waived testing.

Calendar of Events

PHL Training Classes:

Parasitology Part III: Trichromes	
April 9-10	Shoreline
Advanced Hematology	
April 30	Shoreline
Urine Sediments	
May 14	Shoreline
May 15	Shoreline

WSSCLS/NWSSAMT Spring Meeting

April 24-26 Pasco

Northwest Medical Laboratory Symposium

October 22-25 Olympia

10th Annual Clinical Laboratory Conference

November 10 Seattle

Contact information for the events listed above can be found on page 2. The Calendar of Events is a list of upcoming conferences, deadlines, and other dates of interest to the clinical laboratory community. If you have events that you would like to have included, please mail them to *ELABORATIONS* at the address on page 2. Information must be received at least one month before the scheduled event. The editor reserves the right to make final decisions on inclusion.